

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES,	:	Crim. No. 03-520
	:	
v.	:	Hon. Katharine S. Hayden
	:	
LUIS ESCOBAR	:	<b>ORDER</b>

A motion to reduce defendant's sentence having been filed (by, Luis Escobar, pro se, appearing) in the above matter; the United States of America (by Andrew Kogan, Assistant United States Attorney, appearing) having opposed the motion; the Court having considered the submissions of the parties; and for good cause shown;

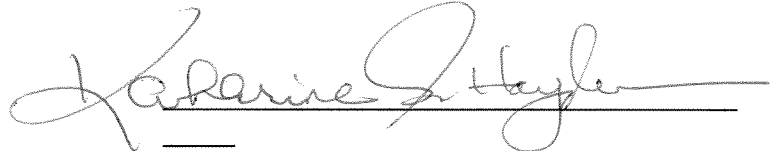
IT IS THE FINDINGS OF THIS COURT that:

1. Defendant's submission is barred as a second and successive motion filed pursuant to Title 28, United States Code, Section 2255, because: (a) defendant filed, and this Court ruled upon, a previous Section 2255 motion; and (b) the Third Circuit has not certified defendant's present motion.
2. Defendant has waived the right to raise this argument because he did not raise the argument on appeal.
3. To the extent the motion seeks to have the Bureau of Prisons grant a credit to his pending sentence, defendant has failed to exhaust his administrative remedies.
4. Defendant should not receive credit for time served that has been credited towards another federal sentence.
5. The Court never intended to credit towards defendant's New Jersey sentence the time defendant served that was credited to his Florida sentence.

WHEREFORE, it is on this 16<sup>th</sup> day of June, 2010;

ORDERED that the defendant's motion is hereby DENIED; and it

IT IS FURTHER ORDERED that a Certificate of Appealability shall not issue.

A handwritten signature in cursive script, reading "Katharine S. Hayden", written over a horizontal line.

HONORABLE KATHARINE S. HAYDEN  
United States District Judge